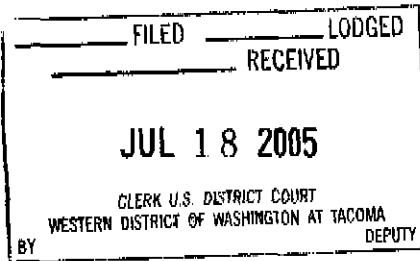


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05-CV-05244-ORD

8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 In re:

11 NW COMMERCIAL LOAN FUND, LLC

12 US Dist. Ct. No. C05-5244RBL  
Internal BK Ct. No. 05-T001  
BK No. 02-40511

13 ORDER ON ATTORNEYS' FEES

16  
17 THIS MATTER comes on before the above-entitled Court upon Byrne's Motion for an Award of  
18 Attorneys' Fees [Dkt. #13].

19 Having considered the entirety of the records and file herein, the Court finds and rules as follows:

20 Byrne, et. al. seek attorneys' fees and sanctions against First Meridian under Fed. R. Bankr. P. 8020  
21 for the filing of a frivolous appeal, later dismissed by the appellants. For purposes of Fed. R. Bankr. P. 8020,  
22 the standard for frivolousness found in Fed. R. App. P. 38 is used. *In re Weinstein*, 227 B.R. 284, 297 (9<sup>th</sup> Cir.  
23 BAP 1998). Under Fed. R. App. P. 38 an appeal is frivolous if "the result is obvious or the appellant's  
24 arguments are wholly without merit." *Id.* Based upon the timing of the orders from the bankruptcy court, the  
25 timing of the hiring of counsel, and the need for expeditious action to preserve the rights of First Meridian,  
26 this Court finds that the appeal had some merit. Therefore, it is hereby

27 ORDERED that First Meridian's Motion to File an Over-length Brief [Dkt. #17] is GRANTED; and  
28 it is further

ORDER  
Page - 1

ORDER  
Page - 2